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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES
LITIGATION

Case No. CV 09-5473-RS (JSC)
(Consolidated)

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING BRIEFING
SCHEDULE FOR DEFENDANTS'
MOTION FOR PARTIAL JUDGMENT
ON THE PLEADINGS AND REQUEST
FOR JUDICIAL NOTICE**

1 WHEREAS, on September 14, 2012, Defendants filed a Motion for Partial Judgment
2 on the Pleadings (the "Motion") (Docket No. 217) pursuant to Fed. R. Civ. P. 12(c) and
3 Request for Judicial Notice in Support of Defendants' Motion (Docket No. 218);

4 WHEREAS, pursuant to Civil Local Rules 7-3(a) and (c), Plaintiffs' opposition brief is
5 currently due September 28, 2012, and Defendants' reply brief is due October 5, 2012;

6 WHEREAS, the deadline for Plaintiffs' upcoming Motion for Class Certification also
7 falls on September 28, 2012;

8 WHEREAS, Defendants' Motion challenges 32 separate statements alleged in the First
9 Amended Consolidated Class Action Complaint for Violations of the Federal Securities Laws
10 (Docket No. 153) and includes numerous exhibits, charts and attachments (*see* Declaration of
11 Erik D. Peterson in Support of the Stipulation and [Proposed] Order Regarding Briefing
12 Schedule for Defendants' Motion for Partial Judgment on the Pleadings and Request for
13 Judicial Notice);

14 WHEREAS, Plaintiffs believe additional time is appropriate to fully address the issues
15 raised in the Motion and Defendants do not oppose;

16 WHEREAS, Plaintiffs believe that additional time will allow the parties to meet and
17 confer in good faith to attempt to narrow the statements and issues in dispute and thus conserve
18 both judicial and party resources;

19 IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil Local Rule 7-12,
20 among the undersigned parties as follows:

- 21 (1) Plaintiffs shall file briefs in opposition to the Motion and Request for Judicial
22 Notice by October 19, 2012;
- 23 (2) Defendants shall file any reply briefs on or before November 9, 2012; and
- 24 (3) The Motion and Request for Judicial Notice shall be heard on November 29, 2012 at
25 1:30 p.m., or at such time thereafter that is convenient to the Court, in Courtroom 3,
26 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco,
27 California.

1 Dated: September 21, 2012

Respectfully submitted,

2 KESSLER TOPAZ MELTZER
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4 /s/ Eli R. Greenstein
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10 Dated: September 21, 2012

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17 Dated: September 21, 2012

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ATTESTATION UNDER CIVIL LOCAL RULE 5-1(i)

I, Eli R. Greenstein, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Scheduling Order. In compliance with Civil Local Rule 5-1(i), I attest that Benjamin Galdston, Laurence King and Judson Lobdell have concurred in this filing.

Dated: September 21, 2012

/s/ Eli R. Greenstein

ELI R. GREENSTEIN

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/24, 2012



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE